

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

JOHN BALDWIN, LEONARD BELL,
JOHANNES KAINDOH, WAYNE
HENDERSON, GODWIN ENAGBARE, and
JOE L. WILLIS,

Invervenor-Plaintiffs,

vs.

WASHINGTON GROUP
INTERNATIONAL, INC., RON BENNETT,
MICHAEL FOGARTY, and DENNIS
WOODRUFF

Defendants.

C.A. NO. 04-12097 GAO

**MOTION TO WITHDRAW AS COUNSEL FOR
INDIVIDUAL DEFENDANT DENNIS WOODRUFF**

Andrew C. Pickett and Stephen T. Paterniti, counsel for Washington Group International, Inc. (“WGI”), hereby move to withdraw as counsel for individual co-defendant Dennis Woodruff, for the reasons set forth below. The Declaration of Stephen T. Paterniti is submitted in support of this motion.

FACTUAL BACKGROUND

1. On or about September 31, 2004, the Equal Employment Opportunity Commission filed a Complaint in federal court on behalf of six individuals (and other similarly situated persons) - four boilermakers and two electricians – against WGI. The four individual boilermakers also filed a Plaintiff-Intervener Complaint naming Michael Fogarty and Mr. Woodruff as individual Defendants.

2. WGI, Mr. Fogarty and Mr. Woodruff were initially represented in this lawsuit by the law firm of Conn Kavanaugh Rosenthal Peisch & Ford, LLP.

3. On or about June 2005, Jackson Lewis LLP was retained by WGI to act as its lead counsel in the case. Jackson Lewis filed an appearance of counsel on or about June 9, 2005.

4. Since Jackson Lewis has appeared as defense counsel in this case, it has made numerous attempts to contact Mr. Woodruff. Mr. Woodruff has never returned any calls to Jackson Lewis. (Paterniti Declaration, ¶ 3).

5. An apparent conflict of interest has arisen in the continued representation of WGI and the individual Defendants, Mr. Fogarty and Mr. Woodruff. (Paterniti Declaration, ¶ 4).

6. Jackson Lewis has met with Mr. Fogarty and advised him of this conflict. Jackson Lewis subsequently withdrew as counsel for Mr. Fogarty, and has been replaced by Seyfarth Shaw as counsel for Mr. Fogarty. (Paterniti Declaration, ¶ 5).

7. However, Jackson Lewis has been unable to meet or confer with Mr. Woodruff due to the fact that he has never responded to the numerous attempts by Jackson Lewis to communicate with him. (Paterniti Declaration, ¶ 6).

8. In fact, it is unclear whether Mr. Woodruff intends to cooperate at all in this litigation, as he apparently ignored a subpoena served upon him by the EEOC for his deposition earlier this year. (Paterniti Declaration, ¶ 7).

9. If or when Mr. Woodruff is presented to participate and defend against the claims in this case, he will likely be provided substitute counsel at no cost to him, just as Mr. Fogarty has been provided. (Paterniti Declaration, ¶ 5)

10. Due to the apparent conflict of interest in the joint representation of WGI and Mr. Woodruff, as well as counsel's inability to communicate with Mr. Woodruff, Jackson Lewis moves to withdraw as counsel for Mr. Woodruff.

Respectfully submitted,

WASHINGTON GROUP INTERNATIONAL, INC.

By its attorneys,

/s/ Stephen T. Paterniti

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Dated: April 3, 2007

CERTIFICATE OF SERVICE

This is to certify that on April 3, 2007, a copy of the above document was electronically filed with the United States District Court for the District of Massachusetts through its Electronic Case Filing System.

/s/ Stephen T. Paterniti
Jackson Lewis LLP